

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

HARRY PLOSS, Individually and On Behalf of
All Others Similarly Situated,

Plaintiff,

vs.

BANKATLANTIC BANCORP, INC., JAMES A.
WHITE, VALERIE C. TOALSON, JARETT S.
LEVAN and ALAN B. LEVAN,

Defendants.

CIVIL ACTION NO.: 07-cv-10937

**NOTICE OF VOLUNTARY
DISMISSAL BY
PLAINTIFF HARRY PLOSS**

PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 41, Plaintiff Harry Ploss hereby voluntarily dismisses the above-captioned action without prejudice. Defendants consent to this dismissal.

Dated: January 25, 2008

MURRAY, FRANK & SAILER LLP

By: _____ /s/
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copy of the foregoing document was filed with the Clerk of Court by using CM/ECF, which will electronically transmit and notify all counsel of record on this the 25th day of January 2008. I also certify that the foregoing document is being served this day on all counsel of record identified via transmission of Notices of Electronic Filing generated by CM/ECF, and by electronic mail to counsel identified below.

Dated: January 25, 2008

By: _____/s/
Gregory Linkh (GL 0477)

<p>Evan J. Smith Brotsky & Smith, L.L.C. 240 Mineola Blvd. Mineola, NY 11501 Telephone: (516) 741-4977 Email: esmith@brodsky-smith.com</p>	<p>Adam M. Schachter, Esq. Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A. 150 West Flagler Street Miami, Florida 33130 Telephone: (305) 789-3228 Facsimile: (305) 789-2661 Email: aschachter@swmwas.com</p>
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